

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

PETER RICHARD ROSA,

Petitioner,

v.

CIV 07-713 JH/CEG

JOE WILLIAMS, Warden, et al.,

Respondents.

PROPOSED FINDINGS AND RECOMMENDED DISPOSITION

This matter is before me on Petitioner's Notice of Nonfiling of Amended Petition and Respondents' Motion to Dismiss. *See Docs. 13, 44*. On July 25, 2007, the Petitioner, proceeding pro se, filed his original Petition. *See Doc. 1*. Respondents filed their Answer and a Motion to Dismiss on October 1, 2007. *See Docs. 11-13*. After a review of the Record Proper, counsel was appointed to represent Petitioner. *See Doc. 26*. Petitioner's counsel, with the Court's permission, was given until September 11, 2008 to file an Amended Petition. *See Doc. 41-43*. On September 11, 2008, Petitioner's counsel filed a Notice of Nonfiling of Amended Petition, indicating that Petitioner would not amend his original Petitioner, but intended to file a response to the pending Motion to Dismiss. *See Doc. 44*.

Wherefore,

IT IS HEREBY RECOMMENDED THAT:

(1) Petitioner be given until October 20, 2008 to file a response to Respondents' Motion to Dismiss (Doc. 13);

(2) Respondents be given until November 3, 2008 to file a reply; and

(3) this matter be referred to the Magistrate Judge for further findings once the foregoing has occurred.

**THE PARTIES ARE NOTIFIED THAT WITHIN 10 DAYS OF SERVICE** of a copy of these Proposed Findings and Recommended Disposition they may file written objections with the Clerk of the District Court pursuant to 28 U.S.C. § 636(b)(1). **A party must file any objections with the Clerk of the District Court within the ten-day period if that party wants to have appellate review of the Proposed Findings and Recommended Disposition. If no objections are filed, no appellate review will be allowed.**

A handwritten signature in cursive script, appearing to read "Cameron", is written above a horizontal line.

UNITED STATES MAGISTRATE JUDGE